THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.27076 of 2007

ORDER:

The learned Government Pleader for Civil Supplies had taken notice on 18-12-2007. The matter is coming up for admission.

The Writ Petition is filed praying for a writ of *Mandamus* declaring the action of the first respondent in the seizure of the petitioner's stock and initiating 6-A proceedings in Rc.No.Cs1/DSO/ECNo.459/2007 dated 07-12-2007 as illegal, arbitrary and against the principles of natural justice and quash the same and consequently direct the respondents to release the stocks of the petitioner seized by the first respondent on 05-11-2007 and pass such other orders.

It is stated that the petitioner is well acquainted with the facts of the case and the petitioner is authorized by his father, who is the owner of the petitioner Rice Mill, through notarized General Power of Attorney dated 12-11-2007, giving him the powers to attend all the transactions regarding the petitioner Rice Mill and also to look after all the legal matters, as he had left to Macca on a pilgrimage. It is also stated that the father of the petitioner is the owner of the Rice Mill and from the past several years he has been doing the business in rice. While matter stood thus the first respondent inspected the rice mill on 02-11-2007 and alleging that he had found some variations of the stocks compared to the ground stock on the record, he instructed the second respondent and Probationary Collector to make proper weighment of the stock comparing to the registers and to effect actual seizure. The above officials, after preparing the panchanama on 05-11-2007, seized the stocks and the rice mill.

It is also stated that immediately the petitioner approached the first respondent and submitted their request by giving an application stating that the rice that was found in the Rice Mill is that one obtained

from milling the paddy brought by the farmers and also purchases made from various rice merchants and also stated that the food grains were removed from the purview of A.P. Schedule commodities (L&D) Order, 1982 and A.P. Rice Procurement (Leivy) Order, 1984 and requested to release the same.

It is also further stated that to his utter surprise the first respondent by his proceeding Rc.No.Cs1/DSO/Ec.No.459/2007, dated 07-12-2007, issued an order directing the second respondent to dispose of the seized stock of rice and broken rice through public auction and directed to release the remaining stock viz., paddy, rice bran and gunny bags and the same was served on the petitioner by the second respondent on 14-12-2007. Several other facts also had been narrated in paras 5 to 13 of the affidavit filed in support of the writ petition.

In view of the facts and circumstances of the case, this Court is not inclined to express any opinion relating to the factual controversies. But, however, it is stated that an application had already been moved before the first respondent. Let the first respondent dispose of the application in accordance with law within a period of two weeks and till then the sale of the said stocks, by auction, not to be effected.

The Writ Petition is disposed of accordingly. No order as to costs.

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P.S.NARAYANA, J.

20th December, 2007.

skmr

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No. 27076 of 2007

Dated: 20th December, 2007

BETWEEN:

M/s. Star Modern Rice Mill,
Nandikotkur, Kurnool District,
Rep. by S.Saleem, S/o S.Abdul Majeed,
Aged about 29 years, R/o H.No.40-820,
Club Road, Kurnool

.. Petitioner

And

The Joint Collector, Kurnool,
Kurnool District and another

.. Respondents